

## SENATE BILL NO. 1

INTRODUCED BY M. COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PURPOSEFUL OR KNOWING VIOLATION OF THE RULES OF THE LEGISLATURE BY A LEGISLATIVE LEADER IS A MISDEMEANOR; AMENDING SECTION 2-9-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION.** **Section 1. Rule violation -- misdemeanor -- definitions.** If the president of the senate, president pro tempore of the senate, speaker of the house of representatives, speaker pro tempore of the house of representatives, majority leader of either house, or minority leader of either house purposely or knowingly violates a joint rule of the legislature, a senate rule, or a house rule applicable to the individual holding that position, the individual is guilty of a misdemeanor. Upon conviction, the individual is punishable as provided in 46-18-212.

(2) As used in this section, the following definitions apply:

(a) "knowingly" has the meaning provided in 45-2-101;

(b) "majority leader" has the meaning provided in 1-1-208;

(c) "minority leader" has the meaning provided in 1-1-208; and

(d) "purposely" has the meaning provided in 45-2-101.

**Section 2.** Section 2-9-111, MCA, is amended to read:

**"2-9-111. Immunity from suit for legislative acts and omissions.** (1) As used in this section:

(a) ~~the term~~ "governmental entity" means only the state, counties, municipalities, school districts, and any other local government entity or local political subdivision vested with legislative power by statute;

(b) ~~the term~~ "legislative body" means only the legislature vested with legislative power by Article V of The Constitution of the State of Montana and that branch or portion of any other local governmental entity or local political subdivision empowered by law to consider and enact statutes, charters, ordinances, orders, rules, policies, resolutions, or resolves;

(c) (i) ~~the term~~ "legislative act" means:

1 (A) actions by a legislative body that result in creation of law or declaration of public policy;

2 (B) other actions of the legislature authorized by Article V of The Constitution of the State of Montana;

3 or

4 (C) actions by a school board that result in adoption of school board policies pursuant to 20-3-323(1);

5 (ii) the term ~~legislative act~~ does not include administrative actions undertaken in the execution of a law  
6 or public policy.

7 (2) A governmental entity is immune from suit for a legislative act or omission by its legislative body, or  
8 any member or staff of the legislative body, engaged in legislative acts.

9 (3) ~~Any~~ Subject to [section 1], any member or staff of a legislative body is immune from suit for damages  
10 arising from the lawful discharge of an official duty associated with legislative acts of the legislative body.

11 (4) The acquisition of insurance coverage, including self-insurance or group self-insurance, by a  
12 governmental entity does not waive the immunity provided by this section.

13 (5) The immunity provided for in this section does not extend to:

14 (a) any tort committed by the use of a motor vehicle, aircraft, or other means of transportation; or

15 (b) any act or omission that results in or contributes to personal injury or property damage caused by  
16 contamination or other alteration of the physical, chemical, or biological properties of surface water or ground  
17 water, for which a cause of action exists in statutory or common law or at equity. This subsection ~~(b)~~ (5)(b) does  
18 not create a separate or new cause of action."

19  
20 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
21 integral part of Title 5, chapter 2, and the provisions of Title 5, chapter 2, apply to [section 1].

22  
23 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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